

Settlement Date: July 9th, 2015
Time: 12:00 Noon

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 15-11157 LG

CLARENCE JOSEPH,

NOTICE OF SETTLEMENT

Debtor(s)

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FAILURE TO RESPOND MAY LEAD TO A DISMISSAL OF YOUR CASE

PLEASE TAKE NOTICE, that an *Order*, a true copy of which is annexed hereto, will be presented for signature to the Hon. James L. Garrity, Jr, United States Bankruptcy Judge, on the 9th day of July, 2015 at 12:00 Noon in the United States Bankruptcy Court, U.S. Customs House, One Bowling Green, New York, New York 10004.

Hearings on objections will be scheduled upon the receipt of written objections or counterorders to be submitted to chambers by no later than close of business on the business day prior to settlement.

OBJECTIONS TO PROPOSED ORDER:

All objections to a proposed order **MUST HAVE** the settlement date of the original notice typed or written on the first page in the upper right-hand corner of the document.

COUNTER-PROPOSED ORDERS:

All counter-proposed orders should be clearly denominated as such, with the return date of the original proposed order in the upper right-hand corner of the first page. A

copy of the transcript, if a hearing was held, must be submitted with the counter-proposed order.

Dated: White Plains, New York
June 11th, 2015

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir (JLS0938)
Chapter 13 Trustee
399 Knollwood Road
White Plains, New York 10603
Chapter 13 Tel. No. 914-328-6333

TO: United States Trustee
201 Varick Street # 1006
New York, New York 10014

Clarence Joseph
634 Rosedale Avenue
Bronx, New York 10473

Karamvir Dahiya, Esq.
75 Maiden Lane
New York, New York 10038

NYC Water Board
Department of Environmental Protection
59-17 Junction Blvd. 13th Floor
Fushing, New York 11373

America's Servicing Company
P.O. Box 10335
Des Moines, Iowa 50306

HSBC Bank USA
636 Grand Regency Blvd,
Brandon, Florida 33510

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13

Case No. 15-11157 LG

CLARENCE JOSEPH,

Debtor

----- -x

ORDER DISMISSING CHAPTER 13 CASE

The Court finds that cause exists to dismiss this case under

11 U.S.C. §1307(c)(1) in that the debtor has caused unreasonable delay that is prejudicial to
creditors by:

a. failing to appear and be examined at the meeting of creditors scheduled
pursuant to 11 U.S.C. §341(a); and

b. failing to provide all documentation as required by the Chapter 13 trustee.

The Court further finds that cause exists to dismiss this case under

11 U.S.C. §1307(c)(3) in that the debtor failed to timely file a plan under 11 U.S.C. §1321 and
Federal Rules of Bankruptcy Procedure 3015(b);

The Court further finds that cause exists to dismiss this case under

11 U.S.C. §1307(c)(4) in that the debtor has failed to remit timely plan payments to the Chapter
13 trustee as required by 11 U.S.C. §1326;

The Court further finds that the debtor has failed to comply with

11 U.S.C. §521(i) by failing to timely file documents as required under 11 U.S.C. §521(a)(1);

The Court further finds that the debtor failed to comply with

11 U.S.C. §521(e)(2)(A)(i) in that the debtor failed to provide the trustee with copies of federal

and state returns for the most recent tax years preceding the commencement of the case, within seven (7) days prior to the meeting of creditors scheduled pursuant to

11 U.S.C. §341(a)

IT IS HEREBY ORDERED THAT:

Pursuant to 11 U.S.C. §§1307(c)(1), (c)(3), (c)(4), 521(i) and 521(e)(2)(B), this Chapter 13 case is hereby dismissed.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 15-11157 LG

CLARENCE JOSEPH,

TRUSTEE'S AFFIDAVIT

Debtor(s)

----- -X
STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Jeffrey L. Sapir, being duly sworn, deposes and says:

1. He is the standing Chapter 13 Trustee.
2. The debtor filed a Chapter 13 proceeding on May 4th, 2015.
3. The debtor failed to comply with the provisions of 11 U.S.C. §1307(c)(1), (c)(3) and (c)(4).
4. The debtor is in violation of 11 U.S.C. §521(i) of the Bankruptcy Code which requires the debtor to file in part, payment advices and evidence of other payments received within 60 days.
5. The debtor is in violation of §521(e)2(A)(i) of the Bankruptcy Code which requires the debtor to provide *seven (7) days prior to the §341(a) meeting of creditors*, copies of federal and state tax returns for the most recent years preceding the commencement of the case, to wit, 2012, 2013 and 2014.
6. The debtor failed to timely file a plan in violation of Bankruptcy Rule 3015(b).
7. The debtor failed to remit timely proposed plan payments to the trustee, having remitted -0- payments, and being, at this juncture, one month in arrears.

8. The debtor failed to appear and be examined at the initial 341(a) meeting of creditors.

9. The debtor failed to provide the trustee with the required documentation, to wit, appraisals.

10. The debtor has created unreasonable delay that is prejudicial to creditors.

WHEREFORE, the trustee respectfully requests that the annexed order dismissing this case pursuant to 11 U.S.C. §§1307(c)(1); (c)(3) and (c)(4), 11 U.S.C.521(i), and 521(e)2(A)(i), be signed.

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir

Sworn to before me this
11th day of June, 2015
/s/ Jody L. Kava

Jody L. Kava
Notary Public, State of New York
No. 02KA4836806
Qualified in Westchester County
Term Expires: 10/31/17

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 15-11157 LG

CLARENCE JOSEPH,

Debtor(s)

----- -X

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Lois Rosemarie Esposito, being duly sworn, deposes and says:

I am not a party to the action herein, I am over the age of 18 years and reside in the County of Westchester, State of New York. On June 11th, 2015 I served a true copy of the within document, to the herein listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed envelope with postage prepaid thereon, in an official depository of the United States Postal Service within the State of New York to the following:

TO: United States Trustee
201 Varick Street # 1006
New York, New York 10014

Clarence Joseph
634 Rosedale Avenue
Bronx, New York 10473

Karamvir Dahiya, Esq.
75 Maiden Lane
New York, New York 10038

NYC Water Board
Department of Environmental Protection
59-17 Junction Blvd. 13th Floor
F;ushing, New York 11373

America's Servicing Company
P.O. Box 10335
Des Moines, Iowa 50306

HSBC Bank USA
636 Grand Regency Blvd,
Brandon, Florida 33510

/s/ Lois Rosemarie Esposito
Lois Rosemarie Esposito

Sworn to before me this
11th day of June, 2015

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir
Notary Public, State of New York
No. 02SA8764500
Qualified in Rockland County
Term Expires: 12/31/18